

# Temporary Food Establishments Summary of Rule Changes

15 A NCAC 18A .2651, .2665 -.2669

Effective September 1, 2012

## Definitions (.2651)

- Temporary Food Establishment (TFE) definition has been revised to increase the days of operation from 15 to 21 days to allow for advance preparation at the same location. Language “‘affiliated with and endorsed by’ a transitory fair, circus, carnival or public exhibition” added to clarify TFE must be associated with the corresponding event.
- Temporary Food Establishment Commissary (TFEC) added to allow a TFE preparation kitchen to operate off-site under TFE rules. The TFEC can only operate within seven days of the commencement of the affiliated TFE and no more than 21 consecutive days as clarified in .2665. Must comply with TFE rules.

## TFE and TFEC Commissary Permit Requirements (.2665)

- The TFE may operate consecutive or non-consecutive days on one permit as long as the days of operation do not exceed 21 days.
- Lists provisions that must be included on the permit.
- Requires permit applications to be submitted prior to the event.
- Applications shall be submitted at least 15 days prior to the commencement of the event.
- Lists provisions to be contained in the application.
- Allows for substitute vendor applications at least three days prior to the event.
- Allows provision for documentation and contractual agreements as necessary to ensure compliance with the rules.

## TFE Food Handling Requirements (.2666)

- Requires food sources and food protection to meet Chapter 3 of the 2009 Food Code as amended by Rule .2653. This includes practices such as no-bare hand contact, date-marking, time as a public health control and consumer advisory.
- Allows cutting and skewering of food products if adequate preparation areas and equipment are provided.
- Salads using ingredients that are cooked and properly cooled are allowed to be served but not prepared on site.
- Clarifies off-site preparation options at either a TFEC or a permitted Food Establishment.
- Food must be secured to protect from tampering and contamination at all times.
- Drainage ports are required on insulated coolers used to store refrigerated foods.



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- Cooling and reheating of PHF/TCS will be allowed ONLY when it can be accomplished in accordance with parameters contained in the food protection rules.
- The regulatory authority may include additional restrictions based on the adequacy of facilities, equipment, utensils, and utilities.
- Food prepared at a prior event may not be served at a subsequent event.

#### TFE Employee Requirements (.2667)

- Must comply with good hygienic practices under Part 2-4 of the Code, including food contamination prevention, hair restraints, and animals.
- Employee health policy required in accordance with Subpart 2-201 as amended by Rule .2652.

#### TFE Equipment and Utensil Requirements (.2668)

- Multi-use utensils must be washed in a cleaning solution at a water temperature of at least 110°F, rinsed, and sanitized.
- Conditions for allowing use of multi-use eating and drinking utensils and approved washing, rinsing, and sanitizing facilities are provided.
- The one vat sink requirement is changed to three basins for washing, rinsing, and sanitizing. Drainboard, table or counter space is required for air-drying. Equivalent products and procedures as specified in Part 4-7 of the Code may be used.
- A food preparation sink must be provided when washing produce.
- Food shields or other effective barriers are required to protect food and food-contact surfaces from contamination.

#### TFE Physical Requirements, Miscellaneous (.2669)

- Public access is limited to dining areas.
- Overhead protection required to protect all food, utensils, and equipment, with the exception of cookers with attached lids being used to cook bulk food such as roasts, shoulders, and briskets.
- Modifies the language for walls, screens, fans, and ground covering to improve protection from sources of contamination such as dust, mud, insects, and animals.
- Handwashing facilities must be at least a two-gallon minimum container with unassisted free-flowing faucet, wastewater receptacle, and warm water.
- Procedures for conveyance of potable water and wastewater have been added, including labeling requirements.
- An evaluation for adequacy of portable wastewater containers based on potable water volume is now required.
- Shielded or shatterproof lighting fixtures are required.
- Necessary utility provisions required at all times food is prepared, served, or stored in the TFE.
- Toxic materials must be handled in a manner to prevent contamination of food, equipment, and utensils.